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1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

3 CALIFORNIA COALITION FOR WOMEN
4 PRISONERS; R.B.; A.H.R.; S.L.; J.L.; J.M.;
5 G.M.; A.S.; and L.T., individuals on behalf of
6 themselves and all others similarly situated,

7 Plaintiffs
8 v.

9 UNITED STATES OF AMERICA FEDERAL
10 BUREAU OF PRISONS, a governmental entity;
11 BUREAU OF PRISONS DIRECTOR
12 COLETTE PETERS, in her official capacity;
13 FCI DUBLIN WARDEN THAHESHA JUSINO,
14 in her official capacity; OFFICER
15 BELLHOUSE, in his individual capacity;
16 OFFICER GACAD, in his individual capacity;
17 OFFICER JONES, in his individual capacity;
18 LIEUTENANT JONES, in her individual
19 capacity; OFFICER LEWIS, in his individual
20 capacity; OFFICER NUNLEY, in his individual
21 capacity, OFFICER POOL, in his individual
22 capacity, LIEUTENANT PUTNAM, in his
23 individual capacity; OFFICER SERRANO, in
24 his individual capacity; OFFICER SHIRLEY, in
25 his individual capacity; OFFICER SMITH, in his
26 individual capacity; and OFFICER VASQUEZ,
27 in her individual capacity,

28 Defendants.

CASE NO. 4:23-CV-04155-YGR

UNITED STATES' UNOPPOSED
ADMINISTRATIVE MOTION FOR
CLARIFICATION

1 Pursuant to Civil Local Rule 7-11 of the United States District Court for the Northern District of
2 California, the United States of America files this unopposed Administrative Motion for Clarification.
3 The United States has been actively contacting various individuals to inquire about their availability to
4 serve as a special master. Prior to agreeing to serve, prospective candidates have requested the following
5 information, which is not known by the United States or apparent from the Court's Order:

6 1) the Court's expected time commitment from the special master, including the appointment's
7 required time spent on-site;

8 2) the special master's rate of compensation per hour for time spent in and out of court;¹ and

9 3) whether the special master will be able to hire people to assist him/her, whether such
10 assistants will be eligible for separate compensation, and at what rate.

11 The answers to these questions will impact the United States' list of five names, presently due
12 March 25, 2024.

13 Plaintiffs do not oppose this motion for clarification, but do not agree with the implication of
14 footnote 1, restricting compensation to \$172 per hour. To the extent that such a limitation makes it
15 impracticable to secure a qualified neutral to monitor FCI Dublin, the Court has the discretion to appoint
16 a Court monitor in lieu of a Special Master, in which case 18 U.S.C. § 3626(f) does not apply.

17 *Handberry v. Thompson*, 446 F.3d 335, 352 (2d Cir. 2006).

18 Dated this 21st day of March, 2024.

19 JESSE A. LASLOVICH
20 United States Attorney

21 /s/ Madison L. Mattioli
22 MADISON L. MATTIOLI
ABBIE J.N. CZIOK

23 ¹ 18 U.S.C. § 3626(f)(4) provides: “[th]e compensation to be allowed to a special master under
24 this section shall be based on an hourly rate not greater than the hourly rate established under section
3006A for payment of court-appointed counsel, plus costs reasonably incurred by the special master.
Such compensation and costs shall be paid with funds appropriated to the Judiciary.” Section
25 3006A(d)(1) states: “[a]ny attorney appointed pursuant to this section . . . shall . . . be compensated at a
rate not exceeding \$60 per hour for time expended in court or before a United States magistrate judge
26 and \$40 per hour for time reasonably expended out of court, unless the Judicial Conference determines
that a higher rate of not in excess of \$75 per hour is justified for a circuit or for particular districts within
27 a circuit, for time expended in court or before a United States magistrate judge and for time expended
out of court.” The Northern District has set the rate for court-appointed counsel at \$172 per hour.
28 <https://cand.uscourts.gov/about/court-programs/criminal-justice-act-cja/cja-compensation-rates/>.

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